



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,545	09/23/2003	Joshua T. Goodman	MS303964.1/MSFTP440US	4645
27195	7590	10/23/2007		
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER HOMAYOUNMEHR, FARID	
			ART UNIT 2132	PAPER NUMBER
			NOTIFICATION DATE 10/23/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
osteuball@thepatentattorneys.com

Advisory Action ➤ Before the Filing of an Appeal Brief	Application No. 10/669,545	Applicant(s) GOODMAN ET AL.	
	Examiner Farid Homayounmehr	Art Unit 2132	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,3-25,27-31,67 and 68.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.


GILBERTO BARRON JR.
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition of allowance because applicant's argument is not persuasive:

Applicant's amendments would have corrected the deficiencies related to the rejection under section 112 second paragraph, and the rejection would have been removed if the amendments had been entered.

Applicant's amendments would have corrected the deficiencies related to the rejection under section 101, and the rejection would have been removed if the amendments had been entered.

Applicant's amendment will not be entered because they raise new issues and changes the scope of claims. Applicant has added the limitation "wherein at least a first subset of objects being at least partially obscured by a second subset of objects" to claim 1. This amendment changes the scope of claim 1, and the claims depending on claim 1, such as claims 3, 4 and 6. Therefore, applicant's argument that the amended limitations merely emphasize subject matter as originally claimed is not persuasive.

With regards to claims 1-5, applicant further argues: "Order-based Hips, unlike sequence-based HIPs or PINs, require different techniques to be solved, such as not only identifying individual elements, but also providing the correct order of the relevant elements. This is opposed to Pinkas *et al.*, in which a PIN is generated and a selected identifier, and the user identifies the difference between the identifier and the PIN." However, Checking if the PIN is the correct also required user to enter the characters of the PIN in the correct order.

Applicant further argues: "Pinkas *et al.* does not utilize an order-based HIP which includes a first subset of objects that are partially obscured by a second subset of objects." However, such limitation is not entered in claim 1.

Based on the discussion above, applicant's argument relative to claims 1-5 is non persuasive.

With respect to claims 6-31, 65, 67 and 68, applicant argues: "In contrast [to Pinkas], applicants' claimed subject matter discloses a system that facilitates identifying human interaction." However, as described in the Abstract, Pinkas teaches identifiers in a format that is recognizable by a human and not readily recognizable by an automated agent.

Applicants further repeat their argument relative to claim 1, which was addressed in the above discussion relative to claim 1.

With regards to claim 25, applicant further contends that Mizrah does not cure the deficiencies of Pinkas. However, applicant does not discuss the rejections, or why the combination of Pinkas and Mizrah allegedly fails to make the claimed invention obvious.

Based on the discussion above, applicant's argument relative to allowability of the pending claims is found non persuasive.